

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/408,396

Filing Date

September 29, 1999

First Named Inventor

Buhr

Art Unit

1623

Examiner Name

D. Khare

Attorney Docket Number

GLIS-0128

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

Remarks

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):

Response to Third Order to Show Cause

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Woodcock Washburn LLP

Signature

/Joseph Lucci/

Printed name

Joseph Lucci

Date

December 20, 2007

Reg. No.

33,307

CERTIFICATE OF TRANSMISSION/MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Buhr, et al.

Confirmation No.: 4009

Application No.: 09/408,396

Group Art Unit: 1623

Filing Date: September 29, 1999

Examiner: D. Khare

For: Nucleoside 5'-Methylene Phosphonates

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Commissioner for Patents
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RESPONSE TO THIRD ORDER TO SHOW CAUSE

On June 25, 2007, the PTO mailed a Third Order to Show Cause in connection with this reissue application providing a period of six (6) months to show cause why the Office should not terminate the reissue proceedings. The PTO advised that the showing must include either a copy of favorable determination of Applicants' June 6, 2006, Petition to Accept Late Payment of the First and Second Maintenance Fees in U.S. Patent No. 5,672,697 (hereinafter the "697 patent") or an explanation of why the proceedings should not be terminated.

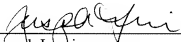
On May 8, 2007, Applicants received a decision by the PTO dismissing their petition to accept delayed payment of the maintenance fee for the 697 patent. The decision gave Applicants a non-extendable two month period in which to petition for reconsideration. On July 3, 2007, Applicants filed a Petition for Reconsideration Under 1.378(e).

Applicants are advised that the individual in the Petitions Branch to whom their petition has been assigned is retiring at the end of the year and that it is unlikely that the petition will be reassigned before the response date for the Third Order to Show Cause.

Applicants respectfully request that the proceedings in the present reissue application not be terminated on December 25, 2007, and that the time period for responding to the Third Order to Show Cause be extended to allow for the petition for reconsideration to be considered.

Respectfully submitted,

Date: December 20, 2007



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